

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE COMMISSION ON IMPROVING THE STATUS OF CHILDREN IN INDIANA
AND THE
DIVISION OF MENTAL HEALTH AND ADDICTION
INDIANA DEPARTMENT OF CHILD SERVICES
INDIANA DEPARTMENT OF CORRECTION
INDIANA DEPARTMENT OF EDUCATION
INDIANA STATE POLICE
INDIANA STATE DEPARTMENT OF HEALTH
OFFICE OF JUDICIAL ADMINISTRATION
OFFICE OF THE ATTORNEY GENERAL**

This Memorandum of Understanding (MOU) governs the maintenance of the Information Sharing Guide (ISG) and is entered into between the Indiana Commission on Improving the Status of Children in Indiana (Children’s Commission), as established by Ind. Code § 2-5-36-3, and the Indiana Department of Child Services (DCS); Division of Mental Health and Addiction (DMHA), Family and Social Services Administration; Indiana Department of Correction (DOC); Indiana Department of Education (DOE); Indiana State Department of Health (ISDH); Indiana State Police (ISP); Office of the Attorney General (OAG); and the Office of Judicial Administration (OJA), hereinafter collectively referred to as the “Parties.”

WHEREAS, the Children’s Commission has developed the ISG, a legal white paper on child-related records, and has partnered with the Indiana Office of Technology and the Indiana Office of Judicial Administration, Office of Trial Court Technology, to publicize this paper and transform the legal information written therein into practical guidance provided through a mobile and desktop application (“app”);

WHEREAS, the ISG is a resource for professionals working in child-serving entities to enable these individuals to determine which documents, records, and other information each entity generates and maintains, whether that information can be shared, and, if so, in what manner;

WHEREAS, the ISG and app require reviewing and updating as needed on an annual basis to ensure that the information contained therein remains accurate;

WHEREAS, the Parties to this agreement have subject-matter expertise necessary to update the ISG, including the contents of the white paper and the practical guidance provided through the app, with respect to changes in laws, cases, regulations, resources, sample documents, and FAQs as follows:

DCS – Individual children’s records created or held by DCS

DMHA – Individual children’s mental health or addictions records

DOC – Individual children’s records created or maintained by DOC

DOE – Individual children’s records created or maintained by schools or by DOE

ISDH – Individual children’s records created or maintained by ISDH, plus medical records

ISP – Individual children’s records created or maintained by law enforcement

OAG – Legal review of all newly created or edited content

OJA – Individual children’s records created or maintained by courts or probation

IT IS THEREFORE AGREED that DCS, DMHA, DOC, DOE, ISDH, ISP, OAG and OJA shall each assign one or more staff attorneys with sufficient subject-matter knowledge to review the information in the ISG as outlined in this MOU every calendar year after the end of the state legislative session. By August 31st of each year, each agency shall submit updated information in a format provided by the Children’s Commission. If changes are necessary due to the enactment of new legislation, the promulgation of different or new regulations, or new case law, the responsible agency shall indicate those changes along with the suggested wording of any new content.

All rights, title, and interest in the ISG, including the white paper, application, and website, and all information developed, or work product created pursuant to this MOU shall be the exclusive property of the Children’s Commission.

This MOU shall become effective between each agency and the Children’s Commission upon the signature by the respective Executives of the Agency and the Children’s Commission, and shall continue until terminated by all Parties. Any party may withdraw from this MOU at any time for any reason upon thirty (30) days’ written notice in advance to the Children’s Commission and to each of the MOU signatories or his/her successor. Withdrawal of one party from the MOU shall not terminate the agreement between the Children’s Commission and the remaining agencies.

Termination for Convenience

When the Director of the State Budget Agency makes a written determination that funds are not appropriate or otherwise available to support continuation of performance of this MOU, this MOU shall be cancelled. A determination by the Director of the State Budget Agency that funds are not appropriated or otherwise available to support continuation of performance shall be final and conclusive.

IN WITNESS WHEREOF, the Children’s Commission, DCS, DMHA, DOC, DOE, ISDH, ISP, OAG and OJA, through their duly authorized representatives, enter into this MOU. The Parties, having read and understood the foregoing terms of this MOU, do by their respective signatures dated below hereby agree to the terms thereof.

Julie Whitman, Executive Director
Commission on Improving the
Status of Children in Indiana

Date

Terry Stigdon, Director
Indiana Department of Child Services

Date

Jennifer Walthall, Secretary
Family and Social Services Administration

Date

Robert E. Carter, Jr., Commissioner
Indiana Department of Correction

Date

Jennifer McCormick,
Superintendent of Public Instruction
Indiana Department of Education

Date

Kristina Box, Commissioner
Indiana State Department of Health

Date

Douglas G. Carter, Superintendent
Indiana State Police

Date

Curtis T. Hill, Jr.
Indiana Attorney General

Date

Jane Seigel, Interim Chief Administrative Officer
Office of Judicial Administration

Date

Approved By:

Jason D. Dudich
State Budget Director

(for)

Date